

1 SEDGWICK, DETERT, MORAN & ARNOLD LLP
MICKI S. SINGER Bar No. 148699
2 JENNIFER B. BONNEVILLE Bar No. 243686
One Embarcadero Center, 16th Floor
3 San Francisco, California 94111-3628
Telephone: (415) 781-7900
4 Facsimile: (415) 781-2635

5 Attorneys for Defendants DAIMLERCHRYSLER
COMPANY LLC, formerly DAIMLERCHRYSLER
6 CORPORATION, and DAIMLERCHRYSLER
MOTORS COMPANY LLC
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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
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12 SHELLEY P. ROBINSON; and ELIZAVETA M.
HUNSINGER, by and through her Conservator
13 IVAN J. HUNSINGER,

14 Plaintiffs,

15 v.

16 DAIMLERCHRYSLER AG;
DAIMLERCHRYSLER MOTORS COMPANY
17 LLC; DAIMLERCHRYSLER CORPORATION;
and DOES One through Fifty, inclusive,
18

19 Defendants.

CASE NO.

**NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C. § 1441(b)
(DIVERSITY) AND JURY TRIAL
DEMAND AND CERTIFICATE
PURSUANT TO CIV.L.R. 3-16**

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21 TO THE CLERK OF THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF
22 CALIFORNIA:

23 PLEASE TAKE NOTICE THAT Defendants DaimlerChrysler Company LLC, formerly
24 DaimlerChrysler Corporation and DaimlerChrysler Motors Company LLC (“Defendants”) hereby
25 remove to this Court the action described below.

26 1. On May 11, 2007, an action was commenced in the Superior Court of the State of
27 California in and for the County of Contra Costa, entitled Shelley P. Robinson; and Elizaveta M.
28 Hunsinger, by and through her Conservator Ivan J. Hunsinger, v. DaimlerChrysler AG;

1 DaimlerChrysler Motors Company LLC; DaimlerChrysler Corporation; and Does One through
2 Fifty, inclusive, Superior Court Case No. 07-00998. A true and correct copy of the Complaint is
3 attached hereto as **Exhibit A**.

4 2. The first date upon which Defendants received a copy of the complaint was May 24,
5 2007, when Defendants' agent for service process, CT Corporation System, received by process
6 server the Summons, Complaint, Notice of Case Management Conference, Notice to Defendants in
7 Unlimited Jurisdiction Civil Cases, Case Management Statement Form, Stipulation Form regarding
8 Alternative Dispute Resolution, and Alternative Dispute Resolution Information Sheet. True and
9 correct copies of the Summons, Civil Cover Sheet, Notice of Case Management Conference,
10 Notice to Defendants in Unlimited Jurisdiction Civil Cases, Case Management Statement Form,
11 Stipulation Form regarding Alternative Dispute Resolution, and Alternative Dispute Resolution
12 Information Sheet are attached hereto as **Exhibit B**.

13 3. Defendants filed an answer to the complaint on June 20, 2007. A true and correct
14 copy of the answer is attached hereto as **Exhibit C**.

15 4. Defendants are informed and believe that Plaintiff SHELLEY R. ROBINSON was,
16 at the time of the filing of this action, and still is, a citizen of the State of California.

17 5. Defendants are informed and believe that Plaintiff ELIZAVETA M. HUNSINGER
18 was, at the time of the filing of this action, and still is, a citizen of the State of California

19 6. Defendants are informed and believe that Defendant DAIMLERCHRYSLER AG
20 was, at the time of the filing of this action, and still is, a foreign corporation, with its principal place
21 of business in Stuttgart, Germany.

22 7. Defendant DAIMLERCHRYSLER COMPANY LLC, formerly
23 DAIMLERCHRYSLER CORPORATION was at the time of the filing of this action, and still is, a
24 limited liability company pursuant to the laws of the State of Delaware, with its principal place of
25 business in Auburn Hills, Michigan.

26 8. Defendant DAIMLERCHRYSLER MOTORS COMPANY LLC was at the time of
27 the filing of this action, and still is a limited liability company pursuant to the laws of the State of
28 Delaware, with its principal place of business in Auburn Hill, Michigan.

JURISDICTION

9. This action may be removed to this Court pursuant 28 U.S.C. § 1441(b) because this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a), in that the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and Plaintiffs and Defendants are citizens of different states.

10. The matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs. The case arises out of a roll-over motor vehicle accident in which Shelley P. Robinson and plaintiff Elizaveta M. Hunsinger both sustained “severe and catastrophic injuries, including but not limited to quadriplegia” in the crash and seek past and future medical and hospital expenses, lost earnings and loss of earning capacity, as well as general damages. (Complaint 8:22-24; 15:23-26; 20:9-11).

11. For the reasons set forth above, the Court has original jurisdiction over all plaintiffs. In the alternative, however, to the extent the court concludes that any of the plaintiffs do not satisfy the amount in controversy requirement of 28 U.S.C. §1302 (a), jurisdiction over this action would still be proper pursuant to 28 U.S.C. §1367. (See Gibson v DaimlerChrysler Corporation, 261 F.3d 927 (9th Cir. 2001))

12. This removal is timely, having been made within thirty days of the service of the Summons and Complaint on Defendants. 28 U.S.C. § 1446(b).

INTRADISTRICT ASSIGNMENT

13. Assignment to this Court is proper as the action is pending in Contra Costa County Superior Court.

14. The presence of Doe Defendants in this case has no bearing on diversity with respect to removal. For purposes of removal under this chapter, the citizenship of defendants sued under fictitious names shall be disregarded. 28 U.S.C. § 1441(a).

15. Defendants reserve the right to amend or supplement this Notice of Removal.

16. All Defendants who have been served consent to this removal. (See Lewis V. Rego Company, 757 F.2d 66; 68 (3rd Cir. 1985)) Defendant DaimlerChrysler AG has not been served.

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2 **CERTIFICATE PURSUANT TO CIV. L.R. 3-16**

3 Pursuant to this Court's Civil Local Rule 3-16, the undersigned certifies that, as of this
4 date, other than the named parties to this action, there is no such interest to report.

5

6 DATED: July 2, 2007 SEDGWICK, DETERT, MORAN & ARNOLD LLP

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By: _____

Micki S. Singer
Jennifer B. Bonneville
Attorneys for Defendants
DAIMLERCHRYSLER COMPANY LLC, formerly
10 DAIMLERCHRYSLER CORPORATION, and
11 DAIMLERCHRYSLER MOTORS COMPANY LLC
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